

229



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,754	02/11/2002	Herbert Lyvim Lacey III	56162.000332	5587

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WASHINGTON, DC 20006-1109

EXAMINER

PERVEEN, REHANA

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,754

Applicant(s)

LACEY, HERBERT LYVIRN

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/14/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 7, 10, 11, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al, Patent No. 6,345,072, in view of Chrysanthakopoulos, Patent No. 6,446,214.

As to claims 1, 7, and 13, Liu et al teach utilizing power management functionality between DSL peers (col. 3 line 64 – col. 4 line 3), receiving a power management request from a driver component associated with a first DSL device (DSL digital controller), and sending a power management state transition request through an embedded operations channel (col. 8 lines 20-49) to a second DSL device (DSL CODEC) (col. 9 line 51 – col. 10 line 6).

However, Liu et al do not expressly teach determining whether a positive acknowledgement response has been received from the second DSL device, and effecting a power state transition and acknowledging the power management request to the driver component if it is determined that a positive acknowledgement response has been received from the second DSL device.

Chrysanthakopoulos teaches determining whether a positive acknowledgement response has been received from a second device, and effecting a power state transition and acknowledging a power management request from a first device if it is determined that a positive acknowledgement response has been received from the second device (col. 2 lines 15-26 and col. 3 line 8 – col. 4 line 40).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Liu et al and Chrysanthakopoulos because both are commonly directed to performing power management functionality, and Chrysanthakopoulos' effecting power state transition based on the positive acknowledgement response, when incorporated into Liu et al's DSL peers communication system, would have enabled improved power management functionality.

As to claims 4, 10, and 16, Liu et al teach determining whether a power management protocol is available and performing the sending request step only if it is determined that the power management protocol is available (col. 5 lines 22-48 and col. 14 lines 15-37). Chrysanthakopoulos teaches determining whether a power management protocol is available and performing the determining response and effecting transition steps only if it is determined that the power management protocol is available (col. 3 lines 24-59).

As to claim 5, 11, and 17, Chrysanthakopoulos teaches effecting the requested power state transition and acknowledging the power management request if it is determined that a positive acknowledgement has not been received from the second device (col. 4 lines 17-52).

Claims 2, 3, 6, 8, 9, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al, Patent No. 6,345,072, in view of Chrysanthakopoulos, Patent No. 6,446,214, further in view of Higgins et al, Patent No. 6,370,146.

As to claims 2, 3, 8, 9, 14, and 15, Liu et al and Chrysanthakopoulos teach all of the limitations as stated above except determining whether a port of the first device is open on which to send the state transition information to the second device.

Higgins et al teach determining whether a port of a first device is open or not open on which to send information to a second device (col. 10 lines 21-42).

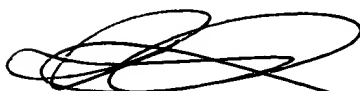
It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Liu et al, Chrysanthakopoulos, and Higgins et al because Higgins et al's determining port open or not open status prior to transmitting, when incorporated into Liu et al and Chrysanthakopoulos's combined system, would have provided improved integrity of the overall system.

Claims 6, 12, and 18 have combined limitations of claims 1-5, 7-11, and 13-17, respectively. These limitations have already been addressed above, and therefore are rejected under the same rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen
Primary Patent Examiner
Technology Center 2100